

Delaware Bicycle Laws

DELAWARE LEGISLATION WILL PROTECT CYCLISTS AND PEDESTRIANS

(posted to site August 4, 2003)

Abby Reichardt of Dover, DE, felt "betrayed" by the justice system when the driver of a truck that struck and killed her father had his charge reduced from criminally negligent homicide to careless driving, a misdemeanor offense with a potential maximum sentence of a \$115 fine and 30 days in prison. Her father, Warren G.H. Pritchett Jr., was struck from behind by a truck while bicycling along a rural road last November 20.

When she learned of the reduced charge, Reichert contacted every officeholder who could possibly help change the law. She was greatly assisted by Don Carbaugh, chairman of the Delaware Bicycle Council, an appointed body that advises the governor on bicycle-related issues. Recently, the Delaware State Senate passed HB190, the Warren G.H. Pritchett Jr. Act, which was signed by Governor Ruth Ann Minner, closing a gap in the Delaware legal code that had allowed some drivers to face little more than a reckless driving charge when involved in a crash, even if their actions caused the death of another person. The Act adds an unclassified misdemeanor to the state's traffic code, and provided a first-offense penalty of a maximum \$1,150 fine and 30 months imprisonment.

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In 1995 the state legislature passed a helmet law which took effect April 1, 1996. This law requires all children under age 16 to wear a helmet while bicycling or in a trailer or child bicycle seat and establishes a bicycle helmet bank to provide free helmets to low income children who cannot afford to buy helmets. Other states have bicycling laws online.

Child Bicycle Helmet Law (HB 57)

Effective April 1, 1996 a person under sixteen years of age shall not operate, ride upon, or ride as a passenger any bicycle, unless that person is wearing a properly fitted and fastened bicycle helmets which meets or exceeds the ANSI Z90.4 bicycle helmet standard (or subsequent standard) or the Snell Memorial Foundation's 1984 Standard (or subsequent standard) for Protective Headgear for Use in Bicycling. This requirement shall apply to a person who rides upon a bicycle while in a restraining seat which is attached to the bicycle or in a trailer towed by the bicycle. This requirement applies at all times while a bicycle is being operated on any property open to the public or used by the public for pedestrian and vehicular purposes.

Any guardian who fails to cause his child to wear a bicycle helmet shall be fined for the first offense \$25, and for each subsequent offense \$50. The court may dismiss all charges if presented evidence that a violator has purchased or obtained a bicycle helmet meeting the standards mentioned above.

Bicycle Helmet Bank and Bicycle Safety Education Programs

The helmet law also led to the formation of a bicycle helmet bank to provide free helmets to children who cannot afford to buy helmets. Helmets are available through the public schools. For more information call 760-BIKE.

Also, the law called for expansion of the University of Delaware Cooperative Extension Service's BIPED safety education program. Now every elementary and middle school in the state is offered a program on bicycle safety presented by volunteers from area bicycle clubs and other volunteers. For further information, contact Mark Manno in New Castle County at 831-8965. In Kent county please contact John Urban at (302) 697-4000 and in Sussex county please contact Ron Jester at (302) 856-7303 or Diaz Bonville.

Other Delaware Bicycling Laws:

1. Parents and guardians shall not authorize or permit violation of these laws by the child or ward.
2. Every person riding a bicycle shall have all the rights and responsibilities of a driver of any other vehicle.
3. No bicycle shall carry more persons than it was designed to carry, except an adult rider may carry a child securely attached in a back pack or sling.
4. A trailer or semitrailer may be securely attached to a bicycle.
5. Persons riding a bicycle, coaster, roller skates, sled or toy vehicle shall not cling to another vehicle upon the highway.
6. When traveling less than the normal speed of traffic a bicycle shall be ridden "as close as practicable" to the right-hand edge of the roadway except: a) When passing another bicycle or vehicle, b) When making a left-hand turn, c) When avoiding parked or slow moving vehicles, fixed or slow moving objects, animals, surface hazards, etc., or d) When the lane that is narrow for a bicycle and a vehicle to travel safely side by side within the lane.
7. Riding no more than two abreast is permitted only within a single lane and when not impeding the normal and reasonable movement of roadway traffic.
8. A person riding a bicycle shall have both hands available to operate the bicycle. At least one hand shall be kept on the handlebars at all times. A one-armed person may ride a bicycle and must use mechanical turn signals.
9. Left turns shall be permitted according to:
 - a. Normal motor vehicle type of left turn procedure
 - b. Approach the turn on the right edge of the roadway, cross the intersecting roadway, stop out of the way of traffic, yield to all vehicles and pedestrians, obey all traffic control devices and then proceed in new direction.
 - c. Special traffic control devices
10. The right arm may be used to signal right turns
11. Right and left turn signals shall be given not less than 100 feet from turn and while stopped waiting to turn. Such signals may be given intermittently, rather than continuously, if the hand giving the signals is needed to control the bicycle.
12. A person riding a bicycle on a sidewalk or in a crosswalk shall yield to pedestrians and give an audible signal before overtaking.
13. A person shall not ride a bicycle on a sidewalk or crosswalk when prohibited by official control devices.
14. A person riding a bicycle on a sidewalk, or pushing a bicycle across the road at a crosswalk shall have all the rights and responsibilities of a pedestrian.
15. A bicycle may be parked on a sidewalk except when prohibited by official control devices or when impeding the normal and reasonable movement of sidewalk traffic.
16. Bicycles may be parked where vehicle parking is allowed.

17. Bicycles may not be parked in such a way as to obstruct the movement of a legally parked motor vehicle.
18. A uniformed police officer may stop, inspect and test a bicycle that is suspected to be unsafe or to have improper equipment
19. When riding at night, a bicycle shall be equipped with a front, white light visible for at least 500 feet from a motor vehicle with lawful low beam head lamps.
20. Every bicycle shall be fitted with a rear, red reflector visible for at least 600 feet from a motor vehicle with lawful low beam head lamps.
21. When riding at night, a bicycle shall be equipped with reflective material visible from both sides for at least 600 feet, or a lighted lamp visible from both sides for at least 500 feet, from a motor vehicle with lawful low beam head lamps.
22. A bicycle and its rider may be equipped with additional lights and reflectors.
23. Every bicycle shall be equipped with brakes that are capable of stopping the bicycle within 25 feet from a speed of 10 mph on dry, clean level pavement.
24. Every bicycle sold at retail shall have a permanent identification number stamped or cast on its frame.
25. A person riding a bicycle shall not wear ear plugs in both ears or a headset covering both ears.
26. A person who is hard of hearing may wear a hearing aid while riding a bicycle